

REMARKS

Claims 1-10 and 12-20 were pending and examined in the Office Action dated July 12, 2006. Claims 1-10 and 12-20 were rejected in that Office Action. No claims have been added, modified or deleted by this Response. Applicant respectfully requests reconsideration of this application.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-6, 8-10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu (U.S. Patent No. 6,434,139) in view of Ash (U.S. Patent No. 6,590,867). To establish a prima facie case of obviousness, the Examiner must provide one or more prior art references that teach or suggest each and every claim limitation of Applicant's claims – MPEP § 2142. Applicant respectfully submits, however, that the Examiner has not carried that burden. In addition, the Examiner must demonstrate some suggestion or motivation to modify the teachings of the Liu `139 patent with the teachings of the Ash `867 patent. The Examiner has made no such showing, merely stating that it "would have been obvious to one of ordinary skill in the art." Such conclusory statements are insufficient to carry the Office's burden under § 103.

Moreover, there is nothing cited in the Office Action, nor has Applicant found, that the Ash `867 patent teaches "a source gateway adapted ... wherein the destination gateway ...". Applicant respectfully submits that the voice/IP gateways taught in the Ash `867 patent do not perform the function of the source gateway recited in Applicant's independent claims 1, 8 and 9, and there is no recitation in the Ash `867 patent of a destination gateway. Accordingly, Applicant respectfully submits that the rejection of Applicant's independent claim 1 (and its dependent claims 2-7, 13 and 14), independent claim 8 and independent claim 9 (and its dependent claims 10 and 12) under § 103 is improper and should be withdrawn.

Claims 15-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Liu `139 in view of Ash `867, further in view of the admitted prior art (Applicant's FIG. 1) and yet further in view of Lim (U.S. Patent No. 6,697,355). Applicant has herein shown the fallacy of the Examiner's application of the Liu `139 patent in combination with the Ash `867 patent to Applicant's claims 1-14. The Lim `355 patent does nothing to correct the deficiencies of the Ash `867 patent. Furthermore, the Examiner is using (without any cited teachings or motivations) impermissible hindsight to combine the Lim `355 patent (which has nothing to do with VoIP) and the admitted prior art with the teachings of the Liu `139 patent and the Ash `867 patent. Furthermore, there is no indication that the bits and pieces that the Examiner attempts to extract from the Lim `355 patent and the admitted prior art will work with the improperly combined Liu `139 and Ash `867 patents to provide the recited structure and perform the functions claimed by Applicant in independent claims 15 and 18.

The Examiner is again respectfully reminded that to maintain a rejection of obviousness, the Examiner must provide one or more prior art references that teach or suggest each and every claim limitation of Applicant's claims. The particular embodiment of Applicant's invention recited in claim 15 recites: "a first switching office configured to transmit and receive voice data from the first wireless personal communication device, and further configured to transmit and receive local voice data from a first local central office and to transmit and receive long distance voice data to a first interface device," and that "the first and second local central offices are configured to transmit and receive local voice data between themselves." Applicant has not found that the disclosure of the mobile switching center (34) in the Liu `139 patent teaches these functions, and the Examiner has not pointed out whether or how the Liu `139 patent, the Ash `867 patent, the admitted prior art and/or the Lim `355 patent provide these elements in the manner recited in Applicant's claim 15. Accordingly and in view of the improper combination of the four references, Applicant respectfully submits that the rejection of

independent claim 15 and its dependent claims 16 and 17 under § 103 is improper and should be withdrawn.

Applicant's claim 18 recites a system wherein both long distance and local calls are routed through first and second local offices. It is these local offices that "receive and transmit long distance voice data" from first and second gateway devices. The first and second local offices "are further configured to transmit and receive local voice data between themselves." This particular embodiment is described in Applicant's Figure 2. In the Liu `139 patent, only the local calls are routed through a local office. Moreover, the Lim `355 patent does not teach or suggest the missing elements of claim 18 of routing both local and long distance calls through a local office. Thus, the combination of Liu `139 and Lim `355, which is not taught or suggested by either, does not render the invention of claim 18 obvious. Neither the admitted prior art or the Ash `867 patent cure the deficiencies of the Liu `139 and Lim `355 patents. Accordingly and in view of the improper combination of the four references, Applicant respectfully submits that the rejection of independent claim 18 and its dependent claims 19 and 20 under § 103 is improper and should be withdrawn.

CONCLUSION

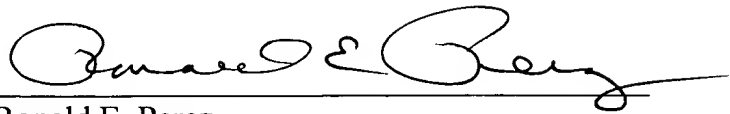
In view of the foregoing, Applicant respectfully submits that presently pending claims 1-10 and 12-20 are in condition for allowance, and that the application should be passed to issue.

The Examiner is encouraged to contact the undersigned should there be any questions or resolvable matters regarding this application.

Respectfully submitted,

FULWIDER PATTON LLP

Dated: November 13, 2006 By:

A handwritten signature in black ink, appearing to read "Ronald E. Perez", written over a horizontal line.

Ronald E. Perez

Registration No. 36,891

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

146107.1